



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,671	02/06/2001	Masaru Honda	Q62961	2529

7590 05/18/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20037-3213

EXAMINER
----------

HON, SOW FUN

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CF

<b>Advisory Action</b>	<b>Application No.</b> 09/776,671	<b>Applicant(s)</b> HONDA ET AL.	
	<b>Examiner</b> Sow-Fun Hon	<b>Art Unit</b> 1772	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 30 April 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment to advisory action.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: None.

8. ☒ The drawing correction filed on 10 September 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: Attachment to advisory action

SH

***Advisory Action***

***Proposed Amendment***

1. The proposed after-final amendment (dated 04/30/04) will not be entered because they raise new issues that would require further consideration and/or search. In claim 1, a limitation "and wherein said transflector does not include a reflective polarizer" is deleted and replaced by a new limitation "and wherein the transflector comprises at least one layer selected from the group consisting of a layer ...resin film".

***Drawings***

2. The corrected drawing (dated 09/10/03) has been approved.

***Response to Arguments***

3. Applicant's arguments dated 04/30/04 have been fully considered but they are not persuasive.

4. Applicant argues that finality of the Office action (dated 10/30/03) be withdrawn since the amendment to claim 1 (dated 09/10/03) was made to clarify the claim language and to make the claims commensurate in scope with the arguments made in the response (dated 01/02/03).

Applicant is respectfully apprised that the amendment, making the claims commensurate in scope with the arguments in the response (dated 01/02/03), narrowed the scope of the subject matter claimed, thus raising new issues which required further consideration and search. However, in Applicant's specification, the transflector is described as being multi-layer, whereby the material of the film is not particularly restricted (page 11, lines 15-25), wherein some incident light is transmitted, some is reflected and some is absorbed (column 11, lines 5-10), all

Art Unit: 1772


functions of a partially reflective polarizer. Hence the specification is not limited to exclude the reflective polarizer from the transflector. Thus the amendment of "does not include a reflective polarizer" raised a new issue. Therefore finality of the Office action (dated 10/30/03) was indeed necessitated by the amendment (dated 09/30/03).


5. Applicant's arguments (dated 04/30/04) regarding the validity of the prior art rejections in the Office action (dated 10/30/03) are not addressed since they are directed to the newly proposed amendment (dated 04/30/04).

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sow-Fun Hon  
05/14/04

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

5/14/04